

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SCOTT STEVEN REIDY,

Defendant.

CR 13–71–BLG–DWM

ORDER

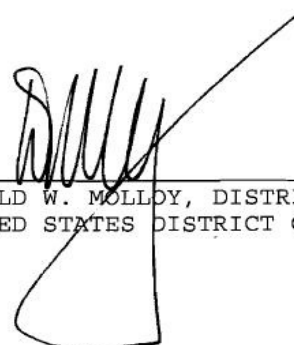
United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation in this matter on October 22, 2013. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Ostby recommended this Court accept Scott Steven Reidy's guilty plea after Reidy appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to Count II of the Indictment, which charges Possession with Intent to Distribute Cocaine in violation of 21 U.S.C. § 841(a)(1), and Count III of the Indictment, charging Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of 18 U.S.C. § 924(c)(1)(A).

I find no clear error in Judge Ostby's Findings and Recommendation (Doc. 38), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Scott Steven Reidy's motion to change plea (Doc. 28) is GRANTED.

DATED this 12th day of November, 2013.



DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT